



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,123	10/20/2004	Patrick Richard Sutton	URQU.P-011	8433

57381 7590 01/03/2007
Marina Larson & Associates, LLC
P.O. BOX 4928
DILLON, CO 80435

EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
----------	--------------

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/512,123

Applicant(s)

SUTTON ET AL.

Examiner

Edwin C. Holloway, III

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-20-04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 2612

EXAMINER'S RESPONSE

1. In response to the application filed 10-20-04, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The copied ID of claim 14 contradicts the unique code of claim 1.

Claim Rejections - 35 USC § 102 & 103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 2612

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

SA 7. Claims 1-10, 12 and ¹⁷~~16~~ are rejected under 35 U.S.C. 102(b) as being anticipated by Castleman (US005508691A).

Castleman discloses a lock system and method with a key 20 having first memory (ROM) and lock 10 having a second memory 10 and processor 11. The lock is operated for a predetermined time if the ID read from the key memory matches an authorized ID stored in the lock (fig. 5, col. 10). The key memory stores a unchangeable, unique ID in col. 3 lines 64-67. A master key functions as an edit key to switch from the normal mode to an

Art Unit: 2612

edit mode to add a key, delete a key or delete all keys. See cols. 9-12. Regarding claim 7, at least in some stages, the master key provides programming without operating the lock in col. 9 line 50 and col. 11 line 23.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Castleman (US005508691A) as applied above and further in view of Lundgren (4392133).

Lundgren discloses an analogous art lock with a control key functioning as an edit key that does not operate the lock. See cols. 1-3 of Lundgren.

If the edit key of Castleman is considered to operate the lock, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an edit that does not operate the lock as disclosed in Lundgren. This restriction would increase security by limiting the function of the edit key and the combination is suggested by Castleman discussing the Lundgren patent in cols. 1-3

9. Claim 11 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castleman (US005508691A) as applied above and further in view of Barrett (US 4887292).

Barrett discloses a lock system with a key 14 including a status indicator and plural access codes. The lock 17 compares the plural access codes from a key to the plural access codes in

Art Unit: 2612

the lock and opens if any of the codes match. A key programmer or writer 16 is included that may transfer or copy codes. See figs. 1, 12 , 13 and cols. 4-10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Castleman the indicator on the key as disclosed in Barrette to indicate access status to the user. It further would have been obvious to have included additional codes that may be copied for flexible operation including sharing access codes when desired.

10. Claim 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castleman (US005508691A) as applied above and further in view of Lee (US005204663A).

Lee discloses a lock system with keys 10 each storing a primary access code and a plural secondary access codes. The lock 20 compares the access codes from a key to the plural access codes in the lock and opens if any of the codes match. The secondary access codes on a key are copies of the primary access code from keys issued to the most recent previous guests and are uploaded or copied to the key by a key writer or computer. See figs. 1-3 and col. 4 lines 16-55.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Castleman additional codes that may be copied for flexible

Art Unit: 2612

operation including allowing access to a new guest by transferring authorized codes from previous guest keys to the new guest key.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Genest (US 4558175), Novik (US 4972182), Ormos (US005506575A), Mutoh (US005621380A) and Disbrow (US 5625349) disclose lock systems with key programming and/or copying.

CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 571-272-4100 or toll free at 1-866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600. Facsimile submissions may be sent via central fax number 571-273-8300 to customer service for entry by technical support staff. Questions related to the operation of the facsimile system should be directed to the Electronic Business Center.


CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile

Art Unit: 2612

transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number. Inquiries concerning only hours and location of the Customer Window may be directed to OIPE Customer Service at (571) 272-4000

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308.

EH
12/28/06


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2612